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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,152	08/21/2003	Jong-Gook Lim	0001423/3062USU	7180

7590 04/26/2005
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EXAMINER

GREENE, JASON M

ART UNIT PAPER NUMBER

1724

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,152

Applicant(s)

LIM ET AL.

Examiner

Jason M. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 6-9 is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/04:9/04:12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the filter assembly comprising a filter fixing member disposed to be closely contacted with the opening in lines 1-3. However, it is not clear if the phrase "the opening" refers to the open portion in the wall of the dust container or the upper opening of the dust container. For examination purposes, the Examiner has assumed that the phrase was intended to refer to the opening in the wall of the dust container since Fig. 2 depicts a filter fixing member being disposed in an open portion of the dust

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container wall. If this interpretation is correct, the Examiner suggests Applicants amend the claim accordingly.

Allowable Subject Matter

4. Claims 1-4 and 6-9 are allowed.
5. Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter:

Meijer et al. discloses a filter assembly for a vacuum cleaner comprising a dust container (11) having a desired-sized storing space and an upper opening (31), a blocking member (77) provided at an upper end of the dust container, a cover (41) having a through-hole (43) for sucking external air and disposed to cover the upper opening of the dust container, a flange (79) disposed at an outside of a side (81) of the cover so as to be engagable with the blocking member whereby the cover is closely contacted with the dust container, and a filter (53) removably disposed at a filter mounting portion formed by opening a portion of a wall (55) of the dust container in Figs. 2A-2C and col. 3, line 56 to col. 6, line 3.

Great Britain Patent GB 1 396 325 discloses a filter assembly for a vacuum cleaner comprising a dust container (1) having a desired-sized storing space and an upper opening, a cover (2) having a through-hole (4) for sucking external air and disposed to cover the upper opening of the dust container, and a cam-action fastener means (3) for closely contacting the cover with the dust container in Figs. 1 and 2 and page 1, col. 2, lines 65-77.

The prior art made of record does not teach or fairly suggest the filter assembly of claim 1 wherein an inclined guide is provided at an upper and outer circumferential edge of the dust container, and a fixing lever is disposed at an outside of a rim of the cover so as to be slid and having a protrusion protruded toward an inner side of the cover, the protrusion being slid while contacted with the inclined guide, whereby the cover is closely contacted with the dust container.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Gall et al., Loscalzo, Paterson et al., Yamamoto et al. Tingle, Park, Schuld, Fromknecht et al., Murphy et al. and Bloomer references disclose similar filter assemblies.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571)

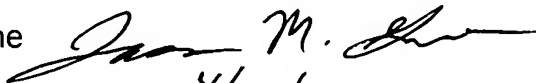
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272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene
Examiner
Art Unit 1724


4/21/05

jmg
April 21, 2005